

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                        |                            |
|------------------------|----------------------------|
| JEFFREY WALKER,        | )                          |
|                        | )                          |
| Plaintiff,             | )                          |
|                        | )                          |
| v.                     | ) Civil Action No. 05-340J |
|                        | ) Judge Gibson             |
| JEFFREY BEARD, et al., | ) Magistrate Judge Caiazza |
|                        | ) In Re: Docs. 23,29       |
|                        | )                          |
| Defendants.            | )                          |

**MEMORANDUM ORDER**

On August 18, 2005, this case was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On October 20, 2006, the magistrate judge issued a Report (Doc. 34) recommending that the Defendants' Motion to Dismiss (Doc. 23) be granted and that the Plaintiff's Motion for Injunctive Relief be denied.

The Report was served on the Plaintiff by First Class United States Mail delivered to the State Correctional Institution at Fayette, LaBelle, Pennsylvania where he is incarcerated and on the Defendants via e-mail. Objections were filed by the Plaintiff on January 10, 2007.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following ORDER is entered:

AND NOW, this 11<sup>th</sup> day of January, 2007, IT IS  
HEREBY ORDERED that the Defendants' Motion to Dismiss (Doc. 23)  
is GRANTED and that the Plaintiff's Motion for Injunctive Relief  
is DENIED.

The Report and Recommendation of Magistrate Judge Caiazza  
dated October 20, 2006 is adopted as the opinion of the district  
court.



Kim R. Gibson  
Kim R. Gibson  
U.S. District Court Judge

cc:  
Jeffrey Walker, #BJ-5553  
SCI Fayette  
Box 9999  
LaBelle, PA 15450-0999

Mary Lynch Friedline, Esq.